

NOTICE OF REASONS FOR REJECTION

Application Number: 2006-505144
Drafted: 2009/05/28 (year/month/day)
Examiner: Miho FUKUI 9166 4D00
Attorney: Masatake SHIGA et al.
Cited Articles: Article 29, Paragraph 1
Article 29, Paragraph 2
Article 36

This application should be rejected for the reason(s) given below. If the applicant wishes to comment thereon, the applicant is invited to submit a response within three months from the Mailing Date of this notice.

REASON(S)

1. The invention(s) according to the below-listed claim(s) of the present application was disclosed in the below-listed distributed publication(s), or made available to the public through electric telecommunication lines in Japan or elsewhere prior to the filing of the present application, and it is therefore deemed to be unpatentable under the provisions of Japanese Patent Law, Article 29, Paragraph 1, Number 3.
2. The invention(s) according to the below-listed claim(s) of the present application could have been easily made prior to the filing of the present application by a person with average knowledge in the field to which the invention(s) belongs based on the invention(s) described in the below-listed distributed publication(s) or made available to the public through electric telecommunication lines in Japan or elsewhere prior to the filing of the present application, and it is therefore deemed to be unpatentable under the provisions of Japanese Patent Law, Article 29, Paragraph 2.
3. The disclosure of the Detailed Description of the Invention of the present application fails to satisfy the requirements of Japanese Patent Law, Article 36, Paragraph 4 with regard to the points listed below.

(See the List of Citations for the cited publications)

EXAMINER'S COMMENTS

- Reasons 1 and 2
- Claims 1 to 12

Citations 1 to 8 disclose applying to the skin a composition comprising over 20% by weight of urea. Furthermore, in a normal method of use, an applied composition is rinsed off by washing, etc. (refer to the entire text of Citation 1, especially the table in column 3).

Therefore, the inventions of the present application are the same as the inventions disclosed in Citations 1 to 8 or could have been easily conceived of by a person skilled in the art based on the inventions disclosed in Citations 1 to 8.

- Reason 2
- Claims 1 to 12

As disclosed in Citations 9 to 12, since it is known that urea has keratolytic properties for removing dead skin cells (Citation 9, paragraph [0002]; Citation 10, paragraph [0002]; the claims and paragraph [0002] of Citation 11; and Citation 12, page 1, left column, lines 12 to 17), with the intention of achieving this property, a person skilled in the art could have easily conceived of increasing the amount of urea and making a method of use which does not harm the skin in the inventions disclosed in Citations 1 to 8.

Furthermore, in the above-mentioned method of use, a person skilled in the art could have appropriately used a lower concentration of a urea-based topical preparation like ones used in the past, before and after use. Therefore, the consequent effects cannot be deemed to be exceptional.

- Reason 3

Regarding the cosmetic process inventions of Claims 1 to 12 of the present application, since what kind of effects are achieved by applying a composition comprising urea to the skin and rinsing are **not specifically demonstrated**, the effects regarding peeling, etc. are unclear, and therefore the effects which should be achieved by the inventions are not technically guaranteed.

Therefore, the descriptions in the Detailed Description of the Invention are not explained in a way that a person skilled in the art could understand the technical importance of the inventions of the present application.

In addition, the invention of Claim 1 does not have novelty, nor does it have unity

with the inventions of Claims 2 to 12. However, Claims 2 to 12 exceptionally have not been examined regarding the unity of invention requirement based on the examination standards (please refer to "Examination Guidelines for Patents and Utility Models", Part 1, Chapter 2, Section 4.2).

LIST OF CITATIONS

1. United States Patent No. 5,919,470
2. PCT International Publication No. WO 01/080850
3. European Patent Application, Publication No. 1 293 204
4. Japanese Unexamined Patent Application, First Publication No. S62-000007
[4'. *English language abstract prepared by the JPO*]
5. Japanese Unexamined Patent Application, First Publication No. H03-291221
[5'. *English language abstract prepared by the JPO*]
6. Japanese Unexamined Patent Application, First Publication No. 2003-012511
[6'. *English language abstract prepared by the JPO*]
7. Japanese Unexamined Patent Application, First Publication No. S59-020217
[7'. *English language abstract prepared by the JPO*]
8. Published Japanese Translation No. 2004-532268 of the PCT International Publication
[8'. *Canadian Patent Application, Publication No. 2 448 829; Corresponding English language application*]
9. Japanese Unexamined Patent Application, First Publication No. 2002-012539
[9'. *English language abstract prepared by the JPO*]
10. Japanese Unexamined Patent Application, First Publication No. 2003-012497
[10'. *English language abstract prepared by the JPO*]
11. Japanese Unexamined Patent Application, First Publication No. 2002-294294
[11'. *English language abstract prepared by the JPO*]
12. Japanese Unexamined Patent Application, First Publication No. S61-030567
[12'. *English language abstract prepared by the JPO*]

RECORD OF PRIOR ART SEARCH

- Searched Technical Fields: IPC A61K8, A61Q, JST Plus (J DreamII)
- Prior Art Reference(s):

1. Japanese Unexamined Patent Application, First Publication No. 2002-60319
2. Japanese Unexamined Patent Application, First Publication No. H01-207219 (page 1, left column, lines 15 to 18)
3. Mie Hayakawa, Clinical Evaluation of Keratinamin Kowa Ointment, The Nishinihon Journal of Dermatology, 1979, Vol. 41, No. 3, pp. 565-567

This record of the prior art search does not constitute the reasons for rejection.